(2)

No. 03-1718

IN THE

Supreme Court of the United States

THOMAS E. KNUTH,

Petitioner,

v.

SANDRA M. KNUTH,

Respondent.

On Petition for Writ of Certiorari to the Supreme Court of the United States of America

PETITION FOR REHEARING

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QUESTION PRESENTED

Whether the Court should reconsider its decision of October 4, 2004 denying the Petition for a Writ of Certiorari with regards to the following question.

PETITION FOR A REHEARING

The petition for a writ of certiorari was denied on October 4, 2004. This petition for rehearing is respectfully submitted pursuant to the provisions of Rule 44 of the rules of the Supreme Court.

STATEMENT

As of this date, the Respondent continues to limit the Petitioner's access to the couple's minor child who was absconded to Macomb County Michigan, a jurisdiction which is not the couple's or the child's Home State but a jurisdiction which took control of divorce proceedings, including subject matter and child custody matters, over the objection of the Home State of Tennessee. The Petitioner has no desire and can no longer afford to litigate paternal rights in this foreign jurisdiction.

No litigant can be forced to endure the orders and control of a court that has no power or control over him in the first place.

The Michigan Court of Appeals and Michigan Supreme Court found no legal error when the Macomb County Circuit Court clearly re-interpreted statutory law by granting the Respondent residency within its jurisdiction based on her purported "intent" to reside there despite lack of physical abode in Michigan and despite material evidence of contrary intent.

If allowed to stand, the Michigan interpretation of statutory law regarding jurisdiction for divorce and custody settlements seriously undermines federal legislation, including the Uniform Child Custody Jurisdiction Act and the Parental Kidnapping Prevention Act, by opening a loophole for disgruntled spouses to forum shop if they have resided in multiple jurisdictions over the course of a lifetime or duration of a marriage. Considering our highly mobile society, if we

value children's rights and equal parental access to children, such precedence is a social and legal issue of immense national concern. The interpretation of federal legislation by Michigan in this case is especially detrimental to military families who are guaranteed to relocate multiple times during a career.

Soldiers like me, who hold family values in highest regard and who serve our country to protect such values, need and deserve the attention of the highest court in our land to overcome injustice inherent in the unilateral removal of minor children across jurisdictional boundaries. I pray that the Supreme Court of the United States will re-consider hearing this case and then clarify the jurisdictional standing of military families—and perhaps of all mobile families—in our nation.

Respectfully submitted,

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CERTIFICATE OF COUNSEL

As Petitioner, Pro se', I hereby certify that this Petition for Rehearing is presented in good faith and not for delay and it is restricted to the grounds specified in Rule 44 of the Supreme Court of the United States.

/s/ _____

Petitioner, Pro se